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SENATE BILL 821

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING THAT THE NEW MEXICO
MOUNTED PATROL MAY RENDER ASSISTANCE TO THE HOMELAND SECURITY
DEPARTMENT; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 29-6-5 NMSA 1978 (being Laws 1941,
Chapter 149, Section 6, as amended) is amended to read:

"29-6-5. MOUNTED PATROL--AID TO LAW ENFORCEMENT
AGENCIES-- [~~WORKMEN'S~~] WORKERS' COMPENSATION. --

A. Members of the New Mexico mounted patrol may be
detailed to assist and render aid in specific instances
involving law enforcement or other matters when request is made
for [~~such~~] assistance and aid by the New Mexico state police,
the homeland security department or other state or local law
enforcement agencies. When acting upon such a call, members

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 shall be deemed to be the agents or deputies of the authority
2 issuing [~~such~~] the request, shall be possessed of the same
3 powers and duties as [~~such~~] the requesting authorities and
4 shall be completely covered by the [~~Workmen's~~] Workers'
5 Compensation Act if the employer's insurance policy is endorsed
6 to clearly show that its coverage extends to the claimant.

7 B. For purposes of calculating the amount of any
8 mounted patrol member's disability or death benefits pursuant
9 to the [~~Workmen's~~] Workers' Compensation Act, the member's
10 average weekly wages shall be deemed to be the average weekly
11 wages the member was receiving from any and every employer,
12 regardless of whether the member's employment with [~~such~~] the
13 employer was covered in fact by the [~~Workmen's~~] Workers'
14 Compensation Act. The degree of disability, if any, shall be
15 determined on the basis of the member's disability in regard to
16 such other employment.

17 C. If a mounted patrol member is covered by
18 [~~workmen's~~] workers' compensation coverage pursuant to
19 Subsection A of this section, the [~~Workmen's~~] Workers'
20 Compensation Act shall be his exclusive remedy against the
21 mounted patrol and the supervising law enforcement agency for
22 any injury or death proximately caused by accident arising out
23 of and in the course of the member's duties. "

24 Section 2. EFFECTIVE DATE. --The effective date of the
25 provisions of this act is July 1, 2003.

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